

### **REMARKS**

This is in response to the Final Office Action mailed July 18, 2008. Claims 1, 2, 4, 6, 11, and 19-21 have been amended. Support for the currently amended claims can be found throughout the specification and claims as originally filed. For example, support for currently amended claim 1 can be found at, page 2, lines 19-21, page 11, lines 24-26, and page 15, lines 15-21. Upon entry of the present amendment claims 1-2, 4, 6, 10, 11, and 14-21 remain pending, and claims 23-34 remain withdrawn.

*No new matter has been added.* Amendment of the claims is made solely to expedite prosecution of the above-identified application. Applicants reserve the right to prosecute the same or similar claims in the present or another patent application. The amendments made are not related to any issues of patentability.

Applicants thank the Examiner for withdrawing the rejections from the previous Office Action.

### **Rejections Under §103(a)**

*Heinlein et al. (U.S. Pat. No. 4,093,417)*

Claims 1-2, 6, 10-11, 13, 15, 20 and 21 are rejected under 35 USC §103(a) as being unpatentable over Heinlein et al. Applicants respectfully traverse this rejection.

The Office Action states that it would have been obvious to one of skill in the art to perform the claimed method, because Heinlein et al. teaches “that in commercial laundries it may be of advantage to wet the dirty wash at first neutral or even slightly alkaline in order to saturate the fibers and protein stains, and the carbonate incrustations on the fiber surface are subsequently

reliably dissolved in a short (1-3 minutes) acid bath.” *See* Office Action, Page 4. Applicants respectfully submit that this does not teach or suggest the presently claimed invention.

As currently amended, the presently claimed method comprises first washing the laundry with a detergent use solution at an alkaline pH *for removal of soil from the laundry*. This first washing step takes place in a laundry washing machine. A separate laundry treatment composition comprising a bleaching/antimicrobial agent is then applied to the laundry in order to bleach and sanitize the laundry. Applicants submit that “wetting” the laundry as taught by Heinlein et al. is not the same as, nor does it suggest, first washing the laundry as is presently claimed to remove the soil.

Heinlein et al. teaches a method for washing textiles including first prewashing the textiles in an acid wash solution, and then washing them in an alkaline liquor. *See* Abstract. Heinlein et al. also discloses that in commercial laundries, it may be advantageous to “wet” the dirty wash at a neutral or slightly alkaline pH. *See* Col. 5, lines 15-20. As the Office Action states, in the method disclosed by Heinlein, the carbonate incrustations (viz. soil) on the fiber surface are “subsequently reliably dissolved” in an acid bath. Thus, Applicants submit that “wet the dirty wash” as disclosed by Heinlein is not the same as the wash step of the present invention, as soil removal in Heinlein does not occur until during a later acid wash.

Nor does Heinlein et al. disclose that the “wetting” of the dirty wash takes place in a laundry washing machine. Rather, Heinlein et al. discloses dipping the textile material in a bath for “saturation or wetting.” *See* Heinlein et al., col. 5, lines 5-10. Applicants submit that dipping a textile in a bath containing the pre-wash material is not the same as washing the textile in a laundry machine for the removal of soil.

Further, Heinlein et al. teaches first washing in an acidic prewash, and then washing in a main wash. This is not the same as the claimed method which requires washing the laundry with an alkaline detergent, and thereafter applying a laundry treatment composition comprising a bleaching/antimicrobial agent. Applicants note that the claims have been amended to more clearly recite that it is the bleaching/antimicrobial agent that has *both* bleaching and antimicrobial properties depending on the pH.

As is discussed in the instant specification, the bleaching/antimicrobial agent has both bleaching and antimicrobial properties that are optimized at different pH ranges. Thus, in the present invention, the bleaching/antimicrobial agent is first used at a pH that favors antimicrobial activity (i.e. a low pH) and thereafter used at a pH that favors bleaching activity (i.e. a high pH). The second step of the presently claimed invention does not require two separate formulations to achieve an acid wash and an alkaline wash after the initial wash step. Rather, the pH adjusting agent in step (b) adjusts the pH to achieve both bleaching and antimicrobial effects. This is different from Heinlein et al. which teaches an acidic prewash followed by a separate conventional main wash, and is silent with respect to the antimicrobial properties of any of the washes. Heinlein et al. requires two separate washes, to achieve both an acidic and an alkaline environment, and does not teach or suggest that a *single laundry treatment composition* can be used at different pH levels. Applicants submit the presently claimed method would not have been obvious to one of skill in the art based on the teachings of Heinlein et al.

For at least the foregoing reasons, Applicants respectfully request withdrawal of this rejection.

*Lindner et al. (U.S. Pat. No. 3,131,991)*

Claims 1-2, 4, 6, 10, 13, 15, 20 and 21 are rejected under 35 USC §103(a) as being unpatentable over Lindner et al. Specifically, the Office Action states the presently claimed invention would be obvious to one of skill in the art because Lindner et al. teaches that the “alkaline component liquid water-containing concentrate is added to the washing medium for the article to be treated prior to the adding of the acid component liquid water-containing concentrate, and that the acid and alkaline concentrates may be introduced into the wash water in any desired sequence.” Applicants respectfully traverse this rejection.

Lindner et al. teaches a detergent for an article to be washed and bleached in a washing medium “which comprises measured quantities of two separately maintained discrete liquid water-containing concentrates of washing-active and active oxygen-containing components, including an acid component...and an alkaline component...the amount of alkaline reacting compound being adjusted to render the combined concentrates of sufficient pH for effecting overall the washing and bleaching treatment. The pH, in this regard, may suitably range between 7.5 and 11.” *See* col. 3, lines 5-19. Further, in the Examples section, Lindner et al. teaches that by dissolving the alkaline concentrates with the acid concentrates in water, “suitable washing solutions of alkaline reaction are obtained. Such solutions possess a pH value which is situated between 8.8 and 9.5.” *See* col. 6, 57-65.

Applicants respectfully submit that the method taught by Lindner et al. does not teach or suggest the presently claimed invention. Lindner teaches combining an acidic concentrate with

an alkaline concentrate, in any order, to create a neutral or slightly alkaline use solution.

Applicants submit however, that Linder et al. does not disclose step (a) in combination with step (b) as is presently claimed. That is, Lindner et al. does not disclose washing laundry with a detergent use solution at an alkaline pH for the removal of soil, followed by application of a single laundry treatment composition that has both bleaching and antimicrobial properties depending on the pH of the composition. Although Lindner et al. discloses that the two concentrates may be added in any sequence, it does not disclose a first alkaline wash prior to the addition of either concentrate. Accordingly, Applicants respectfully request withdrawal of this rejection.

*Additional § 103(a) Rejections*

In addition to the references and rejections discussed above, the Office Action has rejected claim 14 under § 103(a) as unpatentable over Heinlein et al. (U.S. Pat. No. 4,093,417) or Lindner et al. (U.S. Pat. No. 3,131,991) in view of Werdehausen et al. (U.S. Pat. No. 3,718,597); and claims 16-19 under §103(a) as unpatentable over Heinlein et al. (U.S. Pat. No. 4,093,417) or Lindner et al. (U.S. Pat. No. 3,131,991) in view of Barnes (U.S. Pat. No. 4,988,363) Applicants respectfully traverse these rejections.

Claims 14 and 16-19 ultimately depend from independent claim 1. Applicants believe that claim 1 is patentable in light of the prior art of record for the reasons discussed above. Applicants do not believe that the combinations of Heinlein et al., Lindner et al., Werdehausen et al. or Barnes remedy the shortcomings of the prior art identified above. Accordingly, it is respectfully request that these rejections be withdrawn.

### **Summary**

It is respectfully submitted that each of the pending claims is in condition for allowance, and notification to that effect is kindly requested. The Examiner is invited to contact the Applicants' primary attorney-of-record, Anneliese S. Mayer, at (651) 795-5661, if it is believed that prosecution of this application may be assisted thereby.



Respectfully submitted,

ECOLAB INC.  
Law Department  
Mail Stop ESC-F7  
655 Lone Oak Drive  
Eagan, Minnesota 55121  
Phone Number: (651) 795-5661  
Fax Number: (651) 204-7507

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By: /Anneliese S. Mayer/  
Name: Anneliese S. Mayer  
Reg. No. 54,434